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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,889	02/20/2002	Luca Zucchelli	5788-82-01	3819

22852 7590 03/09/2005

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,889

Applicant(s)

ZUCCHELLI ET AL.

Examiner

Cephia D. Toomer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-18,23-28,34-37 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9-15,17,18,23-28,34-37 and 43 is/are rejected.
- 7) ☒ Claim(s) 4 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09301309.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/04;4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 9-15, 17-18, 23-28 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (US 5,643,342).

Andrews teaches a fuel pellet and method of making the fuel pellet comprising 0 to about 80% by weight of cellulosic material, from 20% to about 50% by weight of densified thermoplastic material and from about 0 to about 50% by weight of coal. The fuel leaves an ash deposit of from 0 to about 6% by weight (see abstract). The cellulosic material, densified thermoplastic material and coal are ground from about 80

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mesh to about 200 mesh and blended into a mixture wherein the contents are evenly distributed throughout (see abstract). The cellulosic material is urban waste such as paper mill sludge, wood chips, paper fibers and other paper products (see col. 4, lines 46-61). The fuel pellet breaks into discrete particles as it enters the furnace and burns. Therefore, smaller particles within the pellet are capable of burning quicker due to their size and density (see col. 5, lines 16-24). Andrews teaches the limitations of the claims other than the differences that are discussed below.

In the first aspect, Andrews differs from the claims in that he fails to teach that 90% of the fuel composition fed into a burner is combusted in less than 10 seconds. However, no unobviousness is seen in this difference because Andrews teaches that the fuel pellet breaks into discrete particles as it enters the furnace and burns. Therefore, smaller particles within the pellet are capable of burning quicker due to their size and density. These teachings suggest the skilled artisan would recognize that the fuel pellet may be prepared wherein the particle sizes are optimized such that 90% of the fuel composition fed into a burner is combusted in less than 10 seconds.

With respect to the density of the fuel (claim 9), Andrews teaches that the density of the fuel may be optimized in order to produce a quicker burning fuel.

With respect to claim 35, it would have been obvious to one of ordinary skill in the art to have selected a temperature of not less than 1500 °C because Andrews teaches that the specification of the furnaces may vary but that the furnace be configured such that rapid burning of the fuel occurs.

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4. Claims 37 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62051676.

JP teaches a jet bed coal gasification apparatus comprising blowing coal with oxygen containing gas (system for supplying and feeding fuel) from a burner into a high-temperature furnace (boiler) instantaneously burning the blend gas (see abstract in its entirety).

JP fails to teach the recited fuel composition; however, inclusion of material worked upon by a structure being claimed does not impart patentability to the claims. In re Young, 25 USPQ 69 (CCPA 1935). MPEP 2115.

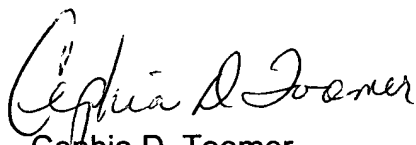
5. Claims 4 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach or suggest between 60 and 80% by weight fossil fuel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

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